

**IN THE UNITED STATES COURT OF  
APPEALS FOR THE FIFTH CIRCUIT**

**Case No. 16-60648**

**UNITED STATES OF AMERICA**

**Appellee**

**v.**

**ROBERT SIMMONS**

**Appellant**

**AGREED MOTION TO VIEW SEALED TRANSCRIPTS**

COMES NOW Appellant Robert Simmons, through the undersigned counsel, and moves this Court, pursuant to 5th Cir. R. 27.1.19, to allow all parties to the appeal to view the sealed transcripts of the plea hearing held in this case on February 18, 2016, and the sentencing hearing on September 15, 2016. The sealed transcripts are filed with the Clerk of the Court for the Southern District of Mississippi, Southern Division, under Docket Entry Numbers 30 and 31, in cause number 1:16CR10-HSO-RHW-1.<sup>1</sup> These sealed copies of the transcripts contain the record on appeal pagination that is necessary for the parties to prepare their appellate briefs.

Assistant United States Attorney Gaines H. Cleveland has advised counsel for Appellant Simmons that the United States has no objection to this Motion.

WHEREFORE, Appellant Simmons respectfully requests that the Court

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<sup>1</sup> The official transcript was filed by the court reporter on October 24, 2016. Pursuant to local policy, transcripts are made electronically available to the public after 90 calendar days, until such time they are sealed.

grant this Motion to View Sealed Transcripts.

Respectfully submitted this the 17th day of November, 2016.

S. DENNIS JOINER  
Federal Public Defender

BY: /s/John W. Weber  
John W. Weber  
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*Attorney for Appellant*

**CERTIFICATE OF SERVICE**

I, John W. Weber, do hereby certify that I have this day electronically filed the foregoing Motion with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit using the ECF system which sent notification of such filing to the Assistant United States Attorney Gaines H. Cleveland.

This the 17th day of November, 2016.

BY: /s/John W. Weber  
John W. Weber  
*Attorney for Appellant*